

REMARKS

Claims 1-3, 8-10, 18-20, and 27-30 are pending, and have all been allowed (Office Action of 15 July 2004, and Office Communication dated 24 February 2005).

Applicants herein make a REQUEST FOR CONTINUED EXAMINATION (RCE) under 37 C.F.R. §1.114.

Applicants herein amend the CRF and paper copy of the SEQUENCE LISTING to correct *inadvertent* errors introduced in SEQ ID NO:2 of a Sequence Listing submitted in applicants' Response and Amendment filed on 24 November 2004 (received at USPTO on 29 November 2004).

Applicants have submitted (attached hereto) (1) a Petition under 37 C.F.R. §1.48(a) to correct inventorship in the application as originally filed by adding John P. Adelman; and (2) a Petition under 37 C.F.R. §1.48(b) to correct inventorship in the pending application by deleting John P. Adelman, in view of cancellation of claims to which Adelman contributed.

Applicants have also submitted (attached hereto) a Supplemental INFORMATION DISCLOSURE STATEMENT (IDS) for consideration by the Examiner.

No new matter has been added.

Telephonic Interview with Examiner

The undersigned Applicants' representative contacted the Examiner by telephone on 31 January 2005 to discuss submitting a correction of *inadvertent* errors introduced in a Sequence Listing submitted in applicants' Response and Amendment filed on 24 November 2004 (received at

USPTO on 29 November 2004). Applicants were kindly instructed by the Examiner to submit the corrections as the present Response and Amendment.

Request for Continued Examination

Applicants herein make a REQUEST FOR CONTINUED EXAMINATION (RCE) under 37 C.F.R. §1.114. Applicants' current Response and Amendment, including the attached Supplemental IDS satisfy the 'submission' requirement under 37 C.F.R. §1.114(a) and (c). Applicants have additionally enclosed the requisite fee under §1.17(e).

Sequence Listing

Inadvertent errors were introduced into SEQ ID NO:2 of a Sequence Listing submitted in applicants' last Response and Amendment filed on 24 November 2004 (received at USPTO on 29 November 2004). Specifically, in applicants' last submitted Sequence Listing, five Cys residues and one Lys residue were inadvertently introduced at the respective positions indicated in the summary Table below.

Residue Position	Residue in 29 November 2004 SEQ ID NO:2	Corresponding residue in Prior Art and in applicants' own originally submitted SEQ ID NO:2
31	Cys	Met
86	Cys	Ile
148	Cys	Ile
198	Cys	Met
282	Cys	Met
303	Lys	Tyr

Applicants, therefore, amend SEQ ID NO:2 to correct the above-listed inadvertent errors at residue positions 31, 86, 124, 125, 148, 198, 282 and 303.

Support for these amendments is found, for example, in SEQ ID NO:2 of the Sequence Listing as originally filed (and also that filed by applicants on 10 January 2000, and entered). Additionally, all of these amendments fall within N-terminal portion of p185HER-2 as known to those of skill in the art as of the application's earliest priority date. For example, the correct sequence (as in applicants' originally filed SEQ ID NO:2) is cited (Coussens et al., *Science* 230:1132-1139, 1985) in applicants' originally filed specification at page 2, lines 21-22). Moreover, the specification at page 7, lines 21-22 discloses and explicitly teaches that the 419 amino acid SEQ ID NO:2 comprises "**340 residues that are identical to the N-terminus of p185HER-2** and 79 unique residues of the C-Terminus [SEQ ID NO:1]."

Therefore, the corrections specifically indicated above are being made to conform with applicants' original Sequence Listing and disclosure that the first 340 residues of SEQ ID NO:2 are identical with N-terminus of p185HER-2.

The following references, cited in the specification (page 1, lines 15-25), are attached for the Examiner's convenience:

Coussens et al., *Science* 230:1132-1139, 1985 (already of record)

Yamamoto et al., *Nature* 319:230-234, 1986 (already of record)

Hynes and Stern, *Biochim. et Biophys. Acta* 1198:165-184, 1994 (present IDS)

Dougall et al., *Oncogene* 9:2109-2133, 1994 (present IDS)

No new matter has been added, and applicants confirm that the content of the copy of the Sequence Listing in computer-readable form is the same as the content of the Sequence Listing contained herein.

Petition under 37 C.F.R. §1.48(a)

Request for Correction of Inventorship

Applicants have submitted, attached hereto, a Petition to correct inventorship in the application as originally filed by adding, pursuant to 37 C.F.R. §1.48(a), **John P. Adelman** as an

inventor of the originally claimed subject matter in the application as originally filed. Specifically, John P. Adelman contributed to claims 4-7 and 11-13 of the application as originally filed. The Omission of John P. Adelman occurred without any deceptive intent on the part of applicants, and applicants have submitted the requisite documents to support the Petition, including a statement from John P. Adelman that his omission occurred without any deceptive intent.

Applicants, therefore, respectfully request amendment of the inventive entity in the application as originally filed to add John P. Adelman as a joint inventor of the claims in the application as originally filed.

Petition under 37 C.F.R. §1.48(b)

Request for Correction of Inventorship

Applicants have also submitted, attached hereto, a Petition to correct inventorship by deleting, pursuant to 37 C.F.R. §1.48(b), **John P. Adelman** as an inventor of the present application, because the claims to which he contributed (claims 4-7 and 11-13 of the application as originally filed), were cancelled in applicants' Response filed on 01 February 2002 during the present prosecution in view of a Restriction Requirement dated 29 March 2000. Therefore Adelman is no longer an inventor of the claims as pending.

Applicants, therefore, respectfully request amendment of the inventive entity in the present pending application to delete John P. Adelman as a joint inventor of the pending claims.

The subject matter of claims 4-7 and 11-13, to which Adelman contributed, has been successfully pursued by applicants in a *divisional* application, serial number 09/630,155 (now U.S. Patent 6,414,130) in which John P. Adelman is listed as an inventor.

Supplemental IDS

Applicants have submitted (attached hereto) a Supplemental Information Disclosure Statement (IDS) for inclusion in the record and consideration by the Examiner.

CONCLUSION

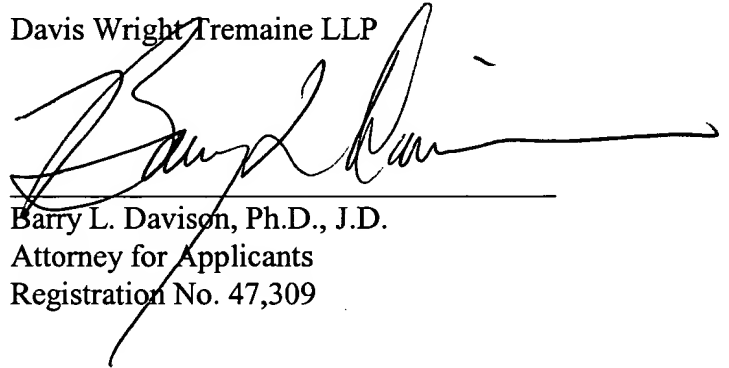
In view of the foregoing amendments and remarks, applicants respectfully request a Notice of Allowance relating to all pending claims, all having been previously allowed.

The Examiner is encouraged to phone applicants' attorney, Barry L. Davison, to resolve any outstanding issues and expedite issuance of a final Notice of Allowance.

Entry of the Amendment is respectfully requested.

Respectfully submitted,

Davis Wright Tremaine LLP

A handwritten signature in black ink, appearing to read 'Barry L. Davison', is written over a horizontal line.

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